

25 SEP 1972

STATINTL MEMORANDUM FOR: 

SUBJECT : Public Law 92-313 - Public Buildings Amendments of 1972

REFERENCE : Memo dtd 11 Aug 72 to ExDir Compt. fm A-D/L,
same subject

1. As a result of reference, Mr. Coffey in an undated note asked of the General Counsel whether or not P.L. 92-313 applied to the Agency and especially to the Headquarters and Printing Services Buildings. You have also indicated that the questions have been put to you from another source as to applicability of the law to special-purpose buildings and whether or not the Agency could be exempted from the law because of the fact that the Headquarters Building was constructed with money appropriated by Congress directly to the Agency. It appears that the question about special-purpose buildings may have contemplated the Printing Services Building.

2. A review of the law, Sec. 4, shows the language to be very general, to apply to all Government agencies, and to present no specific exemptions of any kind. The legislative history makes no reference whatsoever to any exemptions to Sec. 4.

3. I have discussed this matter in some detail with Mr. John V. Mulligan, Acting Assistant General Counsel, Public Buildings Division, Office of General Counsel, General Services Administration (GSA) (IDS Code 183-5818). Mr. Mulligan is presently the GSA "expert" on this general subject and is attempting to pull together uniform replies to the myriad of questions which obviously are being received from all over the country. He confirmed what is stated above concerning the application of the law. I did ask him about one sentence in Sec. 4(j) which reads as follows:

"The Administrator may exempt anyone from the charges required by this subsection if he determines that such charges would be infeasible or impractical. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue."

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I asked this specifically because of the statement in reference in paragraph 2e(2) to the effect that an exception from rental charges might be made after further study and analysis by a present GSA study committee, based on the fact that the Headquarters Building was funded by CIA as indicated above. Mr. Mulligan stated that he doubted very much if exemptions would be granted in any case except for such space as is used for nongovernmental functions such as blind stands, credit unions, and so forth.

4. Mr. Mulligan further stated that the determining criteria for applying space and service charges under the law is whether or not a building is under the custody and control of GSA and is carried in their inventory. Paragraph 2e of reference sets forth that GSA states the Agency space occupied in the Headquarters Building is contained in GSA's space inventory.

5. Regarding the memorandum dated 31 July 1972 to the Deputy Director for Support from the Executive Director-Comptroller, same subject, Mr. Colby stated he would like a rough estimate of the amount of money which would be necessary to comply with subject law. While this may be an Office of Planning, Programming, and Budgeting function, I call attention to the estimates made in the referent memorandum.

6. Mr. Mulligan further advised me that there is being held in Annapolis, Maryland, this week a meeting of all GSA Regional Counsels under the supervision of the General Counsel in an effort to consider all types of questions which have been raised and to, as far as possible, develop uniform policy.

7. Assuming the Agency complies with the law as regards its overt space, which I believe it is bound to do, there will undoubtedly occur problems which will have to be worked out regarding covert space.

STATINTL


Associate General Counsel, OL

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cc: OL/RECD (Attn: 

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TO	NAME AND ADDRESS		DATE	INITIALS	
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2					
3	cc: [REDACTED]				
4					
5	OGC Subj: BUILDINGS, GROUNDS & PROPERTY				
6					
	ACTION		DIRECT REPLY		PREPARE REPLY
	APPROVAL		DISPATCH		RECOMMENDATION
	COMMENT		FILE		RETURN
	CONCURRENCE		INFORMATION		SIGNATURE
Remarks:					
<p>Per our conversation, OGC will not take any further action at this time. We would want to participate if GSA people put on a presentation as to how this is to work. It is also to be hoped that we would get a crack at the proposed regulations when they have been drafted.</p> <p>[REDACTED]</p>					
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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Deputy General Counsel
7D01 Headquarters

9/26/72

JSW/s

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